

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

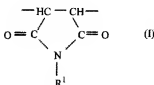
Authorization for this examiner's amendment was given in a telephone interview with Bruce Kramer on November 27, 2009.

The application has been amended as follows:

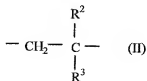
2. **Claim 10** is rewritten as:

- - A process for the production of [a] the stretched film (X) of claim 1, which comprises forming a film from a resin composition by melt-extrusion casting and then stretching the film at least in one direction to produce the stretched film (X) ~~of claim 1,~~

(1) the resin composition containing a maleimide-olefin copolymer (A) having 40 to 60 mol% of a recurring unit represented by the following formula (I),



wherein R<sup>1</sup> is a hydrogen atom, an alkyl group having 1 to 6 carbon atoms or a monovalent aromatic hydrocarbon group, and 60 to 40 mol% of a recurring unit represented by the following formula (II),



wherein each of  $\text{R}^2$  and  $\text{R}^3$  is independently a hydrogen atom or an alkyl group having 1 to 6 carbon atoms, and an acrylonitrile-styrene copolymer (B) containing 21 to 45 % by weight of an acrylonitrile unit, the resin composition having a copolymer (A) content of at least 50 % 50 to 65% by weight ~~but not more than 99 % by weight~~ and a copolymer (B) content of at least 1 % 35 to 50% by weight ~~but not more than 50 % by weight~~,

(2) the film being stretched at a stretch ratio that satisfies the following expression,

$\text{R}^{\text{MD}} > \text{R}^{\text{TD}}$  or  $\text{R}^{\text{TD}} > \text{R}^{\text{MD}}$  wherein  $\text{R}^{\text{MD}}$  is a stretch ratio in the machine direction and  $\text{R}^{\text{TD}}$  is a stretch ratio in the transverse direction ,

(3) the stretched film (X) having a maximum retardation ( $\text{R}_p$ ) at 550 nm in an in-plane direction, the maximum retardation satisfying the following expression,

$$\underline{75 \text{ nm} < \text{R}_p \leq 400 \text{ nm}}$$

(4) the stretched film (X) having a retardation ( $\text{R}_{th}$ ) at 550 nm in the thickness direction, the retardation satisfying the following expression,

$$\underline{0 \text{ nm} < |\text{R}_{th}| \leq 400 \text{ nm}}$$

(5) the stretched film (X) satisfying the following expressions,

$n_y < n_z < n_x$  and

$$\underline{0.3 \leq \{(n_x - n_z)/(n_x - n_y)\} \leq 0.9,}$$

wherein  $n_x$  is a refractive index in an in-plane lagging axis direction at 550 nm,  $n_y$  is a refractive index in a direction perpendicular to the in-plane lagging axis at 550 nm,  
and

$n_z$  is a refractive index in the thickness direction at 550 nm. - - .

3. **Page 1** of Specification, Lines 1-2: "1" and "DESCRIPTION" are deleted.
4. **Page 1** of Specification, below the title "Stretched film, process for the production thereof and laminated material", and above the subtitle "Technical Field", the following line is inserted:

- - This application is a 371 of PCT/JP05/02365 filed 02/09/2005. - - .

**REJOINDER**

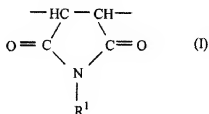
5. Claims 10-14 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 10-14, as presently amended, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on January 23, 2009, is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

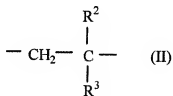
**REASONS FOR ALLOWANCE**

6. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record, JP 2002-311241 and US 2004/0190138, fail to fairly teach or suggest, even in view of each other and US 6,503,581, a stretched film (X) obtained from a resin composition which contains a maleimide-olefin copolymer (A) having 40 to 60 mol% of a recurring unit represented by the following formula (I),



where R<sup>1</sup> is a hydrogen atom, an alkyl group having 1 to 6 carbon atoms or a monovalent aromatic hydrocarbon group, and 60 to 40 mol% of a recurring unit represented by the following formula (II),



where each of R<sup>2</sup> and R<sup>3</sup> is independently a hydrogen atom or an alkyl group having 1 to 6 carbon atoms, and an acrylonitrile-styrene copolymer (B) containing 21 to 45 % by weight of an acrylonitrile unit, the resin composition having a copolymer (A) content of 50 to 65% by weight and a copolymer (B) content of 35 to 50% by weight, wherein the stretched film (X) has a maximum retardation (R<sub>p</sub>) at 550 nm in an in-plane direction, the maximum retardation satisfying the following expression,

$75 \text{ nm} < R_p \leq 400 \text{ nm}$ , and

a retardation ( $R_{th}$ ) at 550 nm in the thickness direction, the retardation satisfying the following expression,

$0 \text{ nm} < |R_{th}| \leq 400 \text{ nm}$ , the stretched film (X) satisfying the following expressions,  $n_y < n_z < n_x$  and  $0.3 \leq \{(n_x - n_z)/(n_x - n_y)\} \leq 0.9$ , wherein

$n_x$  is a refractive index in an in-plane lagging axis direction at 550 nm,  $n_y$  is a refractive index in a direction perpendicular to the in-plane lagging axis at 550 nm, and  $n_z$  is a refractive index in the thickness direction at 550 nm.

None of the references teach the specific combination of a maximum retardation ( $R_p$ ) at 550 nm in an in-plane direction, the maximum retardation satisfying the following expression,  $75 \text{ nm} < R_p \leq 400 \text{ nm}$ ; a retardation ( $R_{th}$ ) at 550 nm in the thickness direction, the retardation satisfying the following expression,  $0 \text{ nm} < |R_{th}| \leq 400 \text{ nm}$ ; a refractive index ( $n_x$ ) at 550 nm in an in-plane lagging axis direction, a refractive index ( $n_y$ ) at 550 nm in a direction perpendicular to the in-plane lagging axis, and a refractive index ( $n_z$ ) at 550 nm in the thickness direction, satisfying the expressions  $n_y < n_z < n_x$  and  $0.3 \leq \{(n_x - n_z)/(n_x - n_y)\} \leq 0.9$ .

See Applicant's remarks dated 08/19/09 regarding JP 2002-311241.

Newly cited US 2004/0190138 teaches a stretched film formed from a resin composition that encompasses the presently claimed resin composition (page 9) and that satisfies the expressions:  $n_z \geq n_y \geq n_x$ ,  $n_y \geq n_z > n_x$  and  $n_z > n_x \geq n_y$  (page 10, claims 5-6), which are completely different from the presently claimed expression of  $n_y < n_z < n_x$ . This means that the process taught by US 2004/019138 does not produce a

stretched film that satisfies the presently claimed expression. As such, the presently claimed expression, at the very least, is not inherent in just any stretched film containing the presently claimed composition since there has to be at least one process step that is involved in the formation of the presently claimed stretched film (X) that is not taught by US 2004/0190138.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sophie Hon/*

Sow-Fun Hon

Examiner, Art Unit 1794